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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re

Amendment of § 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Blue Ridge, Texas)

MM Docket No. 97-***
RM-****

To: The Acting Chief, Allocations Branch,
Mass Media Bureau

PETITION FOR RULE MAKING

Thomas S. Desmond, by counsel, hereby petitions the Commission to commence a rule making seeking the allotment of Channel 260A to the community of Blue Ridge, Texas. As this Petition will show, allotting Channel 260A to Blue Ridge comports with the Commission's mandate under § 307(b) of the Communications Act to fairly apportion radio service among the several States and communities.

1. Blue Ridge, although incorporated, currently lacks a local service. According to the 1990 Census, Blue Ridge has a population of 531. In addition to its status as an incorporated community, Blue Ridge has a number of other demographic attributes making it worthy of local service. The Blue Ridge City Government has three employees and a City Hall. The town also has its own Post Office and Zip Code,¹ a volunteer Fire Department, and its own telephone exchange.² The telephone directory lists six places of worship.³ The Blue Ridge Independent School District

¹175424.

²2752 in the 214 area code.

³Church of Christ, First Baptist Church, Pike Baptist Church, United Methodist, Valdosta Baptist, and West Shady Grove Baptist. Some of these churches are located in nearby, unincorporated areas. The local telephone directory also lists an office of the Federal Aviation Administration in Blue Ridge.

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(which includes Blue Ridge and surrounding areas) has a combined elementary and middle school and a high school. The school facilities are within Blue Ridge proper. They have a total enrollment of approximately 425. The School District has approximately 60 employees.

2. The local telephone directory lists 30 area businesses

Blue Ridge Automotive	Blue Ridge Cuttery
Blue Ridge Flower Shop	Blue Ridge Food Mart
Blue Ridge Ostrich Ranch	Blue Ridge Real Estate
Blue Ridge Senior Citizen Center	Freda & Me (Wedding Consultant)
The Magnolia Hair Salon	McDonald Custom Welding
Highway 78 Service Center	Verona Water Supply
Elastex (Plastics Equipment)	Edward J. Tripp Company (Auctioneers)
Cooper Paint & Body	Jewell Auto Sales
Pauline's Hair Salon	Rosa Beauty Shop
RV Cleaning Service	Fielder-Baker Funeral Home
Desert General Store	Tiger One Stop (Food Store)
Cross Creek Farms (Fish Hatchery)	Jenkins Insulation (Contractor)
Shinn Insurance Agency	M&P Cattle Co. (Livestock Dealer)
Sky Tex Aerial Photo	Cafe 78
Cattleman's Cafe	LD's Restaurant.

3. Blue Ridge clearly satisfies the demographic criteria for licensable communities.

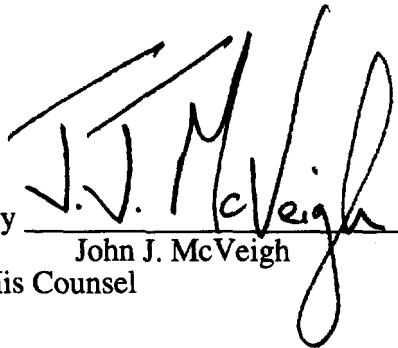
Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982). Exhibit A hereto, the Engineering Statement of Stephan M. Kramer, P.E., shows that the Commission may allot Channel 260A to Blue Ridge in conformity with spacing and city-grade-service rules. Spacing constraints do somewhat restrict the choice of transmitter sites that comport with the requirements of both §§ 73.207 and 73.315 of the Rules. Notwithstanding, the fully spaced site area is ample for allotment purposes. See, e.g., Randolph and Brandon, Vermont, 6 FCC Rcd 1760 (1991). Moreover, Mr. Desmond has obtained reasonable assurance of the availability of the site that Mr. Kramer has used as a reference point for his study of the technical merits of allotting Channel 260A to Blue Ridge.

4. Mr. Desmond hereby states his intent to apply for Channel 260A to Blue Ridge upon the Commission's allotment of the frequency to that community. Mr. Desmond further

states his intent to expeditiously construct the facility his application will specify, upon grant of that application, to then begin providing local service to the community, and to seek a license to cover his authorized facility.

5. For the above reasons, Mr. Desmond requests the allotment of Channel 260A to the community of Blue Ridge, Texas.

THOMAS S. DESMOND

By 
John J. McVeigh
His Counsel

JOHN J. McVEIGH, ATTORNEY AT LAW
1818 N Street Northwest, Suite 700
Washington, D.C. 20036
(202) 822-8772

Date: August 21, 1997

EXHIBIT A

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Engineering Statement

This Engineering Statement was prepared on behalf of Thomas Desmond in support of a new Rulemaking Petition to amend the FM Table of Allotments. Specifically, Mr. Desmond seeks to have Channel 260A assigned to the community of Blue Ridge, Texas as follows:

<u>City, State</u>	<u>Channel</u>	
	<u>Present</u>	<u>Proposed</u>
Blue Ridge, Texas	-	260A*

*Site restriction 17.9 kilometers northwest required.

With a grant of the Petition that this statement supports, Mr. Desmond would have the Commission serve the public interest, convenience, and necessity by amending Section 73.202(b), thus providing the community of Blue Ridge with its first local service. Granting this proposal will result in a more efficient use of FM spectrum and permit Petitioner to provide expanded service to Collin County and surrounding areas. At present within Collin County, there is one licensed FM facility (KRVA-FM, Channel 295A, McKinney), and several pending applications for Channel 221A at Farmersville. There is also one AM station, KAAM, 620 KHz DA-2, licensed to Plano.

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I. DEMOGRAPHIC DATA

The community of Blue Ridge, Texas is an incorporated city within Collin County, approximately 67 kilometers northeast from Dallas. The 1990 Census lists the Blue Ridge Population at 521 persons (the estimated 1997 population is 640 persons), and the total Collin County population at 262,025 persons. The city has identifiable boundaries as required in the Revision of FM Assignment Policies and Priorities, 51 R.R. 2d 807, 816 (1982).

The city of Blue Ridge is served by a Mayor and City Council. In addition, Blue Ridge has a post office, police and fire department, numerous independent businesses, and is located outside any urbanized area.

II. PETITIONER WILL APPLY FOR THE REQUESTED FACILITY

Thomas Desmond will file an application for Channel 260A at Blue Ridge and promptly begin construction upon issuance of a construction permit if the instant petition is granted. See FM Channel Assignments, 53 R.R. 2d, 341, 344.

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III. ENGINEERING DATA

The requested coordinates for the proposed Channel 260A allotment at Blue Ridge are:

N.L. 33-27-11

W.L. 96-27-20

This location is 17.9 kilometers northwest from the reference coordinates for Blue Ridge (bearing 343.7 degrees.) This site restriction is necessary to provide minimum required spacing to the allocation on Channel 260A reserved for KMOO-FM, Mineola, Texas, as outlined in Docket 96-10. It was determined this was the only FM channel available for assignment to Blue Ridge. Table 1 presents the allocation study results from the above requested coordinates. Mr. Desmond has determined that suitable property is available at the requested location, and Table 2 presents the results of the city grade coverage study. The study assumed from the requested site, that a 6 KW facility at 100 Meters HAAT was operating. Figure 1 depicts the required 70 DBU coverage contour from this site, and as shown, the entire Blue Ridge incorporated limits were within the 70 DBU contour.

Wherefore, the premises considered, it is respectfully requested the Commission institute a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) by the addition of Channel 260A to Blue Ridge, Texas.

STEPHAN M. KRAMER, P.E. AND ASSOCIATES
BROADCAST AND FAA CONSULTING ENGINEERS
10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75035-6626 (972) 529-5123

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TABLE 1
FM ALLOCATION ANALYSIS
PROPOSED CHANNEL 260A ALLOTMENT

=====

THOMAS DESMOND
NEW 99.9 MHZ BLUE RIDGE, TX

Location: BLUE RIDGE, TX		FCC Database				33-27-11	
Call City, State		Channel Class: A				96-27-20	
Status	Proponent	Chan Class	Freq kW	Latitude	Dist.	Required	
		File Number	HAAT	Longitude	Azm.	Clear (km)	

>>>>>>> Study For Channel 260 99.9 mHz <<<<<<<<							
KLUR	WICHITA FALLS, TX	260 C1	99.9 100.	33-54-04	199.51	200	
LIC	SAM F. BEARD & PAMELA	BLH-6738	253	98-32-21	285.0	-0.49	
ALLOC	MINEOLA, TX	260 A	99.9	32-45-04	114.57	115	
VAC		Docket-96-10	0	95-33-18	132.6	-0.43	
Effective 3-3-97-Reserved for KMOOFM per D96-10							
KTSH	TISHOMINGO, OK	259 C3	99.7	34-21-34	101.0	89	
DEL	RALPH TYLER	RM-9082	0	96-33-34	354.6	+12.0	
KTSH	TISHOMINGO, OK	259 C3	99.7 25.	34-21-34	101.0	89	
CP	RALPH H. TYLER	BMPH-960228IC	100	96-33-34	354.6	+12.0	
KRBV	DALLAS, TX	262 C	100.3 98.	32-35-05	107.3	95	
CP	INFINITY OF FT. WORTH	BPH-950706IA	509	96-57-46	206.3	+12.3	
KRBV	DALLAS, TX	262 C	100.3 89.	32-35-07	107.5	95	
LIC	INFINITY OF FT. WORTH	BLH-5136	390	96-58-06	206.6	+12.5	
KPLX	FORT WORTH, TX	258 C	99.5 100.	32-34-54	108.2	95	
LIC	KPLX LICO, INC.	BMLH-850211KR	511	96-58-32	206.8	+13.2	
KTSH	TISHOMINGO, OK	259 C3	99.7 25.	34-19-46	102.8	89	
APP	RALPH TYLER	BPH-970220IA	100	96-49-02	341.1	+13.8	
KTCSFM	FORT SMITH, AR	260 C	99.9 100.	35-04-20	242.9	226	
LIC	BIG CHIEF BROADCASTIN	BLH-871231KC	585	94-40-50	41.8	+16.9	
WACOFM	WACO, TX	260 C	99.9 90.0	31-20-15	248.0	226	
LIC	GULFSTAR COMMUNICATIO	BLH-901116KD	506	97-18-37	199.2	+22.0	

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TABLE 2
 PROPOSED CITY GRADE COVERAGE CONTOURS

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THOMAS DESMOND

NEW 99.9 MHz BLUE RIDGE, TX

SOURCE COORDINATES: 33-27-11 North 96-27-20 West

This program uses the NGDC 30-Second Database.

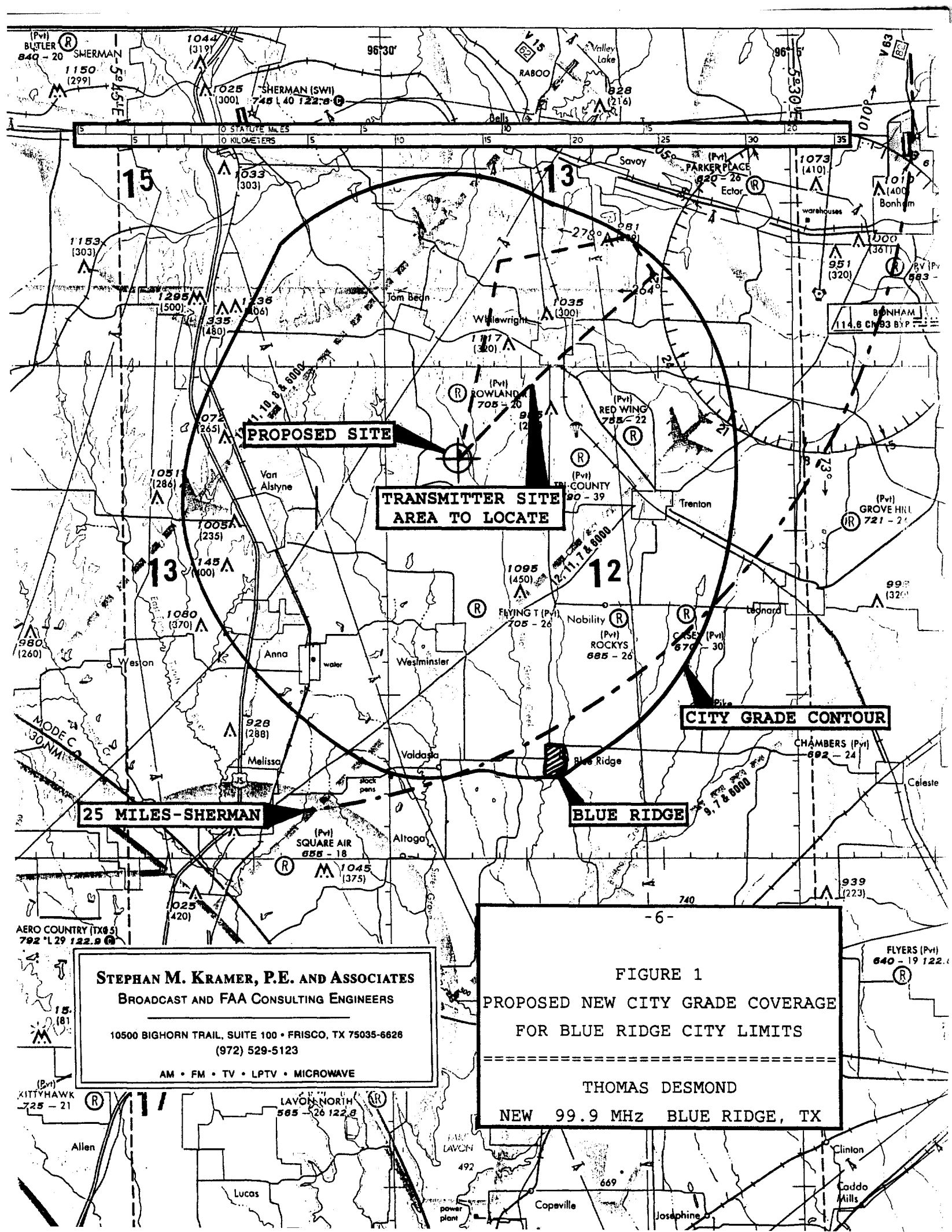
Site Elevation: 668 feet AMSL Data Base is in feet

ANTENNA HAAT: 100.0 METERS

ANTENNA CENTER ABOVE SEA LEVEL: 317.0 METERS

----- DISTANCES TO CONTOURS IN KILOMETERS -----

AZM DEG	HAAT MTRS	ERP (KW)	70 DB (KM)	60 DB (KM)	54 DB (KM)
95	95	6.0000	15.7	27.6	37.7
100	93	6.0000	15.5	27.3	37.3
105	93	6.0000	15.5	27.3	37.3
110	97	6.0000	15.9	27.9	38.0
115	101	6.0000	16.2	28.4	38.7
120	102	6.0000	16.3	28.5	38.9
125	103	6.0000	16.4	28.7	39.1
130	108	6.0000	16.8	29.3	39.8
135	114	6.0000	17.3	30.0	40.7
140	114	6.0000	17.3	30.0	40.7
145	116	6.0000	17.5	30.2	41.0
150	121	6.0000	17.9	30.8	41.7
155	124	6.0000	18.1	31.1	42.1
160	126	6.0000	18.3	31.4	42.4
165	132	6.0000	18.7	32.0	43.2
170	127	6.0000	18.3	31.5	42.5
175	123	6.0000	18.0	31.0	42.0
180	115	6.0000	17.4	30.1	40.9
185	121	6.0000	17.9	30.8	41.7
190	125	6.0000	18.2	31.3	42.3
195	125	6.0000	18.2	31.3	42.3
200	122	6.0000	18.0	30.9	41.9
205	119	6.0000	17.7	30.6	41.4
210	117	6.0000	17.6	30.4	41.2
215	114	6.0000	17.3	30.0	40.7
220	112	6.0000	17.1	29.8	40.4
225	106	6.0000	16.6	29.0	39.5
230	102	6.0000	16.3	28.5	38.9
235	104	6.0000	16.5	28.8	39.2
240	106	6.0000	16.6	29.0	39.5
245	105	6.0000	16.6	28.9	39.4
250	105	6.0000	16.6	28.9	39.4



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Broadcast and FAA Consulting Engineers

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AM • FM • TV • LPTV • MICROWAVE

FIGURE 1
PROPOSED NEW CITY GRADE COVERAGE
FOR BLUE RIDGE CITY LIMITS

THOMAS DESMOND
NEW 99.9 MHz BLUE RIDGE, TX

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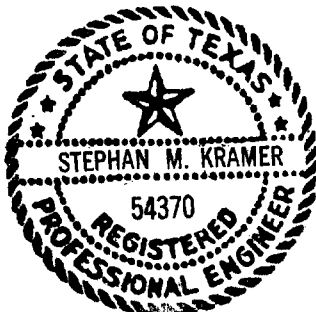
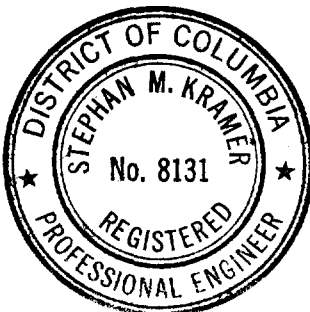
Engineering Affidavit

State of Texas)
) ss:
County of Collin)

Stephan M. Kramer, being duly sworn, deposes and states that he is a Registered Professional Engineer licensed in Texas and the District of Columbia, that he holds a B.S. Degree in Electrical Engineering from the University of Akron, and that he is a qualified and experienced Communications Consulting Engineer whose expert testimony and works are a matter of record with the Federal Communications Commission having received numerous application grants. He further states Thomas Desmond retained the firm of Stephan M. Kramer, P.E. and Associates to prepare the attached Engineering Statement.

The deponent further indicates the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

This declaration is made under penalty of perjury under the laws of the United States.



Stephan M. Kramer, P.E. 08-12-97
Stephan M. Kramer, P.E.
Texas P.E. # 54370
District of Columbia P.E. # 8131